



U.S. Department of Justice

United States Attorney
Southern District of New York

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June 21, 2025

BY ECF & EMAIL

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Roman Storm*, 23 Cr. 430 (KPF)

Dear Judge Failla:

The Government respectfully writes regarding the defendant's untimely filing of expert disclosures on June 18, 2025. (*See* Dkt. 176).

Under the Court's scheduling order, the Government's expert disclosures were due on February 18, 2025, the defense's disclosures in response were due on March 5, and the Government's rebuttal disclosures were due on March 12. (Dkt. 134). More than three months after those deadlines passed and less than one month before trial is scheduled to begin, the defendant on June 18 filed five new expert disclosures containing more than 40 pages' worth of proposed testimony. These were filed as exhibits to the defendant's opposition to the Government's *Daubert* motions (Dkt. 176-1–Dkt. 176-5), and the defense had not given the Government or the Court any prior notice that it intended to file lengthy new expert disclosures in violation of the Court's scheduling order.


Much of the material in these eleventh-hour disclosures responds to the Government's initial disclosures of February 18—which had been in the defendant's possession for four months by the time the June 18 disclosures were filed. (*See, e.g.,* Dkt. 176-5 at 11-12 (responding to the Government's February 18 disclosure of testimony by Special Agent Joel DeCapua)). One of the disclosures is brand new and appears to be comprised entirely of inadmissible legal opinion. (*See, e.g.,* Dkt. 176-3 at 1 (opining that the Bank Secrecy Act and its implementing "regulations do not apply to organizations that merely transmit information")). And the disclosures that attempt to address deficiencies in the defendant's earlier disclosures are themselves woefully deficient. (*See, e.g.,* Dkt. 176-2 at 5-7 (drawing conclusions from numerous purported regression analyses without providing the analyses themselves or their underlying data)).

The Government is assessing these untimely and deficient disclosures while preparing to meet the upcoming deadlines for production of 3500 material and exhibits, and has already asked the defendant for additional information to make sense of the disclosures. The Government writes to notify the Court of these untimely disclosures. The Government anticipates that it will likely need to file motions to preclude some or all of this testimony, and may also need to prepare rebuttal disclosures, and will work diligently to respond to these disclosures while also meeting the Court's other deadlines. The Government respectfully requests until this Friday, June 27, 2025, to notify the Court of when it proposes to respond to the defendant's improper disclosures.

Thank you for your consideration of this matter.

Respectfully submitted,

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